



ARIZONA STATE SENATE
Fifty-Third Legislature, First Regular Session

FINAL REVISED
FACT SHEET FOR H.B. 2220

electronic files; access; official record

Purpose

Requires the superior court to provide electronic access or filing privileges to pro se litigants if it also provides such privileges to attorneys.

Background

A pro se litigant is someone who represents himself or herself in a court proceeding without the assistance of a lawyer (Black's Law Dictionary).

Statute allows the presiding judge of the superior court to provide for the electronic filing of documents and electronic access to superior court records. The presiding judge may impose a maximum fee of \$100 per year for an annual subscription, plus a maximum fee of \$2 per minute for online access to superior court records. The clerk of the court deposits these monies into the Document Storage and Retrieval Fund, which is used by the clerk to improve access to the records, in coordination with the presiding judge and the board of supervisors ([A.R.S. § 12-284.02](#)). Electronic filings are subject to the same filing fees as regular filings ([A.R.S. § 12-284](#)).

According to the [Arizona Judicial Branch](#), it has made electronic filing of court documents available in some counties since 2008. Electronic filing is now mandatory for attorneys filing civil case documents in the Maricopa and Pima County Superior Courts. Additionally, self-represented litigants may file civil and tax documents electronically in Maricopa County ([Supreme Court Administrative Order 2011-140](#)).

The Arizona Supreme Court has adopted rules related to remote electronic access to case records. Specifically, parties and attorneys may be provided remote electronic access, upon registering, to case records that are not sealed in all case types in which the person is an attorney of record or a named party. Members of the public may be provided remote electronic access to certain categories of case records, including specified civil, civil traffic and criminal case records ([Sup. Ct. Rules, Rule 123](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires, if the presiding judge of the superior court provides electronic access or filing privileges to attorneys, the privileges to also be provided to pro se litigants.
2. Allows electronic access or filing privileges to be limited to:
 - a) records of cases in which the attorney is a party or is on file with the court as the attorney of record for one of the parties; or
 - b) records related to the pro se litigant's own case.
3. Becomes effective January 1, 2018.

House Action

JPS	1/25/17	DPA	8-1-0
3 rd Read	2/13/17		59-0-1

Senate Action

JUD	3/9/17	DP	7-0-0
3 rd Read	3/21/17		30-0-0

Signed by the Governor 3/23/17

Chapter 51

Prepared by Senate Research

April 10, 2017

AW/rr